

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claim 5 has been amended and claim 6 has been canceled without prejudice or disclaimer for filing in a continuation application. Thus, claim 5 is currently pending in the application and subject to examination.

In the outstanding Office Action, claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Itakura et al, U.S. Patent No. 6,195,645 (hereinafter, "Itakura") in view of Watanabe (USP 6,363,354). It is noted that claim 5 have been amended and claim 6 has been canceled. To the extent that the rejection remains applicable to the claims currently pending, the Applicant hereby traverses the rejection, as follows.

In making this rejection, the outstanding Office Action admits that Itakura fails to disclose a server, or that one of the clients operates as a back-up server with regard to the rest of the plurality of clients when the at least one server goes down. Watanabe is cited as allegedly curing the deficiencies that exist in Itakura.

More particularly, the outstanding Office Action asserts that "Watanabe discloses that when the server goes down, each client has server functionality because each client 'multicasts those data...to all the apparatuses connected to the LAN 500' after the server has failed [column 8 «lines 55-63»]." The Office Action concludes that therefore, "each client in Watanabe's system has server functionality so that it executes processing of applications installed therein in response to requests from other clients [column 8 «line 55» to column 9 «line 6»]." See, Office Action, page 2.

However, at col. 8, line 55 – col. 9, line 6, Watanabe discloses a first POS control program broadcasting the contents of the local PLU table of a first POS apparatus to the other POS apparatuses, and the control programs of the other POS apparatuses updating their own local PLU tables with the revised information contained in the local PLU table of the first POS apparatus.

Watanabe clearly discloses at col. 9, line 7 - col. 9, line 24, that since the POS server apparatus has failed, the local POS server apparatus has not been updated by the first POS apparatus 200. It is not until after restoration of power to the previously failed POS server that the data of the local PLU tables of all of the POS apparatuses 200-400 are sent to the master PLU table. Hence the master PLU table is not updated until the power has been restored to the original POS server.

Thus, despite that the other POS apparatuses may update their own local PLU tables during server failure, there is no “other” POS apparatus in Watanabe that causes the master PLU table to be updated when the POS server is in a state of failure. The POS server master PLU table is not updated until after power and functionality have been restored to the POS server in Watanabe. Accordingly, the execution of at least one of product registration, product search, transaction aggregation per transaction, tax aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history registration and operator authentication and registration is not performed by a POS apparatus of Watanabe when the POS server is in a state of failure.

Neither Itakura nor Watanabe discloses or suggests at least the features of a plurality of clients linked in series, wherein the plurality of clients are linked to the at

least one server, and the at least one server collects transaction history data of the plurality of clients and performs aggregation of categories of the data collected when the at least one server is operable, wherein at least one of said clients is operable in standalone fashion and has server functionality so that it executes processing of application-installed therein in response to requests issued by other clients and outputs the results of the processing to said clients that issued such requests, and operates as a back-up server to the at least one server with regard to the rest of the plurality of clients when the at least one server goes down, wherein said distributed system is a POS system, and wherein said installed application is a POS application which executes at least one of product registration, product search, transaction aggregation per transaction, tax aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history registration and operator authentication and registration, as recited in claim 5, as amended.

For at least this reason, the Applicant submits that claim 5 is allowable over the applied art of record.

Conclusion

For all of the above reasons, it is respectfully submitted that claim 5 is in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to

charge any fee deficiency or credit any overpayment associated with this
communication to Deposit Account No. 01-2300 referencing client matter number
024304-00000.

Respectfully submitted,

Arent Fox, LLP

A handwritten signature in dark ink, appearing to read "Michele L. Connell", is written over a horizontal line.

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